

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**BLACK WARRIOR RIVER-KEEPER,
INC., et al.,**)
Plaintiffs,)
v.) Case No.: 2:23-cv-01211-RDP
**BLUESTONE COKE, LLC, JAY
JUSTICE, AND DON WIGGINS,**)
Defendants.

AMENDED PLAINTIFFS' REPORT TO THE COURT

Defendants have still failed to comply with another Order of this Court, even after being given an extra day to purge their contempt. On August 22, 2024, this Court ordered that Bluestone Coke, LLC, James “Jay” Justice, III, and Donald Wiggins (“Defendants”) were in civil contempt. In order to purge that contempt, Defendants must pay “Plaintiffs’ reasonable costs and fees,” produce responses to Plaintiffs’ pending discovery requests, and provide deposition dates and alternative mediation dates by September 11. Doc. 52. The Court also ordered Plaintiffs to certify whether Defendants were in compliance with the Order by September 11. *Id.*

Defendants have failed to pay any fees and thus are in violation of the Order. Plaintiffs sent Defendants an invoice for \$13,260, the costs and fees incurred by working to obtain discovery for the last six months. However, this invoice has not been paid. (*See* Ex. A, Email and Invoice from Plaintiffs dated Aug. 30, 2024). Additionally, Defendants have not disputed or in any way disagreed that Plaintiffs were due this amount. Defendants simply did not respond.

The Defendants have agreed to be deposed on October 7-9, 2024, and agreed to hold mediation on October 25. At 6:08pm last night, six months after Plaintiffs propounded discovery, Defendants produced approximately sixty-seven documents and written responses to Plaintiffs' Requests for Production and Interrogatories. Plaintiffs are still reviewing these documents to see if they are responsive.

This Court ordered that "Any failure to comply with this Order or to cooperate or participate **SHALL** result in an order that Defendants appear and show cause in person as to why they are not in compliance with this Order and why the court should not impose further contempt sanctions. Failure to appear and show cause in person may result in (a) monetary sanctions, (b) an order of default, and (c) other appropriate sanctions." Doc. 52.

Defendants have failed to pay attorney fees, and thus according to this Court, Defendants must appear and show cause in person as to why they are not in compliance with this Order and why this Court should not impose further contempt sanctions. Defendants' systematic, blatant disregard of the Court's orders wastes both judicial and the Plaintiffs' resources. Defendants should be held accountable.

Respectfully submitted this 12th day of September, 2024,

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CERTIFICATE OF SERVICE

I hereby certify that, on September 12, 2024, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of the filing to all counsel of record.

s/Sarah Stokes
Sarah Stokes
One of the Attorneys for Plaintiffs